

Message Text

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ACTION EUR-25

INFO OCT-01 AF-10 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10

L-03 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 IO-14 AID-20 CEA-02 CIEP-02 EB-11

OMB-01 TRSE-00 STR-08 COME-00 DRC-01 /191 W

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R 052036Z NOV 73

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 5354

INFO AMEMBASSY BLANTYRE

AMCONSUL LOURENCO MARQUES

AMEMBASSY LUSAKA

AMEMBASSY PRETORIA

C O N F I D E N T I A L LONDON 12924

E.O. 11652: GDS

TAGS: PFOR, UK, RH

SUBJECT: SUGGESTION FOR CHANGE IN BRITISH RHODESIAN
POLICY

1. BEGIN UNCLASSIFIED: PAMPHLET PUBLISHED NOVEMBER 3 BY
"BOW GROUP", INDEPENDENT CONSERVATIVE PARTY STUDY ORGAN-
IZATION, CALLS FOR CHANGES IN BRITISH POLICY TOWARD
RHODESIA WHICH WOULD LEAD TO LIFTING OF SANCTIONS.
STUDY WAS PREPARED BY A 31-YEAR OLD LAWYER NAMED MICHAEL
STEPHEN, WHO CONTENTS THAT THE OFFICIAL WHITEHALL THESIS
THAT RHODESIA IS A COLONY IN REBELLION CAN NO LONGER BE
SUSTAINED. ACCORDING TO SHEPHEN, THE EXISTENCE OF
RHODESIA FOR EIGHT YEARS AS A STATE IS MORE THAN
SUFFICIENT IN INTERNATIONAL LAW TO JUSTIFY A CLAIM TO
FULL SOVEREIGNTY.

2. A CRUCIAL PARAGRAPH IN THE STUDY SAYS, "THE ARGU-
MENT THAT RHODESIA CAN BECOME INDEPENDENT ONLY BY ACT
OF THE BRITISH PARLIAMENT MAY BE SEEN TO BE WRONG EVEN
BY LAYMEN. FOR IF IT WERE CORRECT, NO COLONY COULD EVER
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BECOME FREE WITHOUT THE CONSENT OF THE COLONIAL POWER.

SUCH A DOCTRINE HAS NO FOUNDATION IN INTERNATIONAL LAW. IT WAS ERECTED BY THE UNITED STATES WHEN IT DECLARED INDEPENDENCE, AND NOT ONE OF THE NEW STATES OF AFRICA OR ASIA WOULD HAVE CONCEDED THAT THEY COULD NOT LAWFULLY SEIZE THEIR OWN INDEPENDENCE HAD IT BEEN WITHHELD. ACCORDING TO INTERNATIONAL LAW A COLONY MAY BECOME INDEPENDENT EITHER BY CONSENT OF THE COLONIAL POWER OR BY OUSTING ITS AUTHORITY."

3. STEPHEN ALSO ARGUES THAT THE AUTHORITY OF THE SMITH ADMINISTRATION DERIVES FROM RHODESIAN RATHER THAN BRITISH LAW. HIS CONCLUSION IS THAT IF THE BRITISH GOVERNMENT WILL NOT ACCEPT THIS REALITY, THEN IT SHOULD BE TESTED BY BRINGING THE MATTER BEFORE THE INTERNATIONAL COURT OF JUSTICE. END UNCLASSIFIED.

4. BEGIN CONFIDENTIAL: COMMENT: WE DO NOT SEE HMG CHANGING ITS RHODESIA POLICY AT THIS TIME. AT THE RECENT CONSERVATIVE PARTY CONFERENCE, FOREIGN SECRETARY DOUGLAS-HOME MADE A STRONG DEFENSE OF CURRENT POLICIES, JUSTIFYING THEIR CONTINUATION IN LARGE MEASURE ON THE FACT THAT IAN SMITH AND BISHOP MUZOREWA HAVE MET AND ARE CONTINUING TO TALK. THE FOREIGN SECRETARY'S ARGUMENTS WERE GENERALLY EFFECTIVE IN THAT PARTY SETTING. HOWEVER, THE BOW GROUP STUDY MAY GIVE ANTI-SANCTIONS CONSERVATIVE MPS NEW AMMUNITION IN THE FORTHCOMING PARLIAMENTARY DEBATE ON RENEWAL OF THE SOUTHERN RHODESIAN ORDER. IN THE PAST, RIGHT-WING CONSERVATIVES HAVE ARGUED AGAINST SANCTIONS ON PRACTICAL AND IDEOLOGICAL GROUNDS WITHOUT QUESTIONING THE LEGALITY OF THE GOVERNMENT'S AND THE MAJORITY OF PARLIAMENT'S VIEW THAT RHODESIA IS STILL A COLONY IN REVOLT AGAINST BRITISH AUTHORITY.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 05 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: mcintyresh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973LONDON12924
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: n/a
From: LONDON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731155/aaaabodh.tel
Line Count: 95
Locator: TEXT ON-LINE
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: mcintyresh
Review Comment: n/a
Review Content Flags:
Review Date: 12 JUL 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12-Jul-2001 by boyleja>; APPROVED <06-Aug-2001 by mcintyresh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SUGGESTION FOR CHANGE IN BRITISH RHODESIAN POLICY
TAGS: PFOR, UK, RH
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005